

REGARDING PETITIONS FOR A VARIANCE UNDER ZONING ORDINANCE

PLEASE TAKE NOTICE

Effective immediately, all parties who make submissions, after an initial filing, in Special Exception, **Variance** and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purposes of this requirement, a party includes:

1. Counsel of record who have formally entered their appearance;
2. Any person to whom the Board has granted Intervener status and;
3. The Applicant, Petitioner or Appellant in the case.
4. **Parties who submit any document of more than 20 pages should number the pages of such documents clearly and consecutively.**

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties.

MONTGOMERY COUNTY BOARD OF APPEALS

INSTRUCTIONS FOR FILING PETITION FOR VARIANCE

1. Address all correspondence to: Chairman, Montgomery County Board of Appeals, Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland, 20850, (Phone: 240-777-6600).
2. A filing fee is required in the amount of \$440.00** for a single family residence; \$880.00 for a single-family residence under construction or newly constructed; \$2,750.00 for a multi-family dwelling or \$3300.00 for commercial and/or industrial. [**If the variance is only for the existing non-conforming dwelling in excess of 20 years old, the filing fee is \$220.00.]
3. Variance applications require that a Board of Appeals sign be posted on the property within five (5) days after the application is filed. A deposit fee for the sign of \$220.00 is required; however, \$110.00 will be refunded to the applicant when the sign is returned.

NOTE: A check or money order, for the filing fee and the sign deposit fee, payable to Montgomery County, Maryland is required at the time of filing. Cash cannot be accepted.

DATA TO ACCOMPANY APPLICATION FOR VARIANCE:

Each application for variance must be accompanied at the time of filing by four (4) copies of all pertinent information required. (No application can be accepted by the staff unless it contains all pertinent information and is accompanied by the required filing fee. See Section 59-7.6.1.C.2 of the Zoning Ordinance.) All drawings should be to scale.

1. Completed application form; application and sign and fees;
2. If the applicant is not the owner of the subject property, documentation of legal interest in the property;
3. Statement of justification outlining how the proposed development satisfies the criteria for approving the variance;
4. Survey plat or scaled drawing showing boundaries, frontage, relevant topography, the location and dimensions of all existing and proposed structures, the distances of such structures from the nearest property lines; **the drawing must accurately illustrate the requested variance(s), the lot area and all applicable setbacks for the subject property;**
5. Certified copy of official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property. The map may be purchased from the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland, 20910, (Phone: 301-495-4610). **The complete, original map (as issued by M-NCPPC) and three (3) copies must accompany the petition.**
6. List of abutting and confronting property owners in the County tax records; list of any civic and homeowners associations within ½ mile (this information is available at Maryland Department of Assessments and Taxation, www.dat.state.md.us, 40 West Gude Drive, Rockville, MD 20850, 240-314-4510);
7. Scale plans, illustrations, sections, elevations or specifications showing all existing and proposed buildings and structures;
8. Any supplementary documentation to be introduced in support of the application.

Please consult Section 59-7.3.2.A, Chapter 59, Montgomery County Code, 2014, as amended, regarding the Board's authority to grant variances.

(OVER)

BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLAND

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS
(Please see information on reverse side)

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